

Indiana Department of Education

Division of Exceptional Learners

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1854.02
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	January 15, 2002
DATE OF REPORT:	January 31, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 22, 2002

**COMPLAINT ISSUES:**

Whether the Jay School Corporation violated:

511 IAC 7-23-1(c) by advising the parent that she could not discuss the student's educational record with anyone during the parent's inspection and review of the educational record.

**FINDINGS OF FACT:**

1. The student is thirteen years old, attends the seventh grade, and has been determined eligible for special education due to orthopedic and visual impairments.
2. The parent contends that she was advised by the attorney that she could not discuss the student's educational record with school personnel during the time she inspected and reviewed her child's educational record. The attorney reports she had written letters to the parent as a result of verbal conflicts over the telephone between the parent and the school's secretarial staff. In a letter dated December 14, 2001, the attorney wrote the following statement to the parent: "Therefore, I am directing that you contact me when you wish to communicate with anyone in the administration including the special education department." In a letter dated December 21, 2001, concerning the parent's request to review and inspect the educational record, the attorney wrote the following statements to the parent: "However, please do not have any discussions with any staff member regarding the record while you are either viewing it or while it is being copied. Do not discuss with any staff member whether you do not [sic] do not believe the record is complete or have any other opinion regarding the record."
3. The parent has an appointment at the school on February 1, 2002, to inspect and review the student's educational record. In a letter dated January 21, 2002, the attorney informed the parent that the special education director (director) or her designee would be available to answer any questions that she may have during the inspection and review of the educational record. The parent acknowledges that she received this letter.

**CONCLUSIONS:**

1. 511 IAC 7-23-1(c) specifies that the parent has the right to inspect and review the educational record, and has the right to an explanation and interpretation of the record by the public agency. Finding of Fact #2 reflects that the parent was advised by the attorney that she could not discuss the

student's educational record with anyone during the parent's inspection and review of the record. Therefore, a violation of 511 IAC 7-23-1(c) is found. Although a violation is found, no corrective action is required as Finding of Fact #3 reflects that the attorney acknowledged in her letter of January 21<sup>st</sup> that the parent has a right to an explanation and interpretation of the record by ensuring the availability of the director or the designee for questions at the appointment scheduled for February 1, 2002.

DATE REPORT COMPLETED: January 31, 2002